

Critical Area Overlay [Draft Regulations]

- The Mississippi River Critical Area, which extends 72 miles from Ramsey to Hastings, was established in 1972 by state law.
- By Executive Order of the Governor, the zoning codes of the municipalities located in the Critical Area (CA) along the river must meet, at a minimum, the environmental and scenic standards of the CA
- In 2002, the City of Saint Paul adopted an updated Mississippi River Corridor Plan, which embraced the new vision of the City's riverfront, as well as changes required by the DNR. Currently, the critical area is governed by the City's River Corridor (RC) overlay, and its subdistricts. (As an example, the Ford site and River property currently fall within the RC-3 overlay subdistrict, or urban open space).
- In 2004, the Saint Paul City Council created a task force to update the River Corridor Overlay Zoning regulations as proposed in the 2002 plan. The main charge of the task force was to develop regulations consistent with the Mississippi River Corridor Plan, including updates to the City's critical area zoning as well as floodplain regulations. For the critical area overlay, the task force proposed using four new subdistricts. The subdistricts are as follows:
 - **CA1 – Rural Open space** – most of Pig's Eye Lake Area. Main use for preservation as open, natural spaces, for ecological functions.
 - **CA2 – Urban Open Space** – Large river parks and parts of the Highwood neighborhood. Main use as public open space.
 - **CA3 – Urban Developed** – Established residential city neighborhoods. Main use residential.
 - **CA4 – Urban Diversified** – Downtown, high density redevelopment, and industrial areas. Main uses industrial, commercial, and residential.
 - The state's interim subdistricts closely mirrored actual land uses (Exec. Order 79-19). On the Ford site, which falls within the critical area, the state proposed CA2 and CA4, recognizing the ecologically sensitive bluff area along the river and established industrial use, respectively.
- By August 2006, the task force completed draft updates to the critical area portion of the River Corridor Zoning Overlay. They are scheduled for Planning Commission public hearing in 2007. The proposed critical area subdistricts and boundaries on the Ford site, as modified by the task force, appear in **Figure 1**, to the right.

The subdistricts ultimately adopted have implications on possible redevelopment of the Ford site:

- **Permitted uses** in all CA districts are residential, civic/institutional, commercial, public services and utilities, signs and transportation facilities uses, and industrial uses as allowed in CA4.
- **Prohibited uses** in all CA districts include advertising signs, sanitary landfills, feedlots, meat packing plants, large metal shredders, mining, motor vehicle salvage operation, petroleum refining, rendering/tanning plants, and stockyards. Also **prohibited** in CA1-CA3 districts



are industrial uses, auto impound lots, barge repair/ cleaning, intermodal freight yards, and municipal incinerators. Sewage treatment plants and barge fleeting areas are prohibited in CA2 & CA3 areas.

- **Industrial** uses **are allowed by exception** in the CA3 area south of Ford Parkway and north of Hampshire Avenue (i.e. the Ford site).
- New commercial/industrial structures in the floodplain or within 300' of the ordinary high water level (except for downtown) must have a relationship to the river.
- Structures must be set back 100' from the ordinary high water level.
- No structures (other than one-family homes) shall be permitted on steep slopes, i.e. over 12%, and no structures, grading, or filling are permitted on very steep slopes (over 18%), or on or near bluffs.
- Roads, driveways, railroads, trails are excepted from the riverbank standards above.
- Protection of **views** – Maximum building height in CA1 & CA2 = 30'. Maximum building heights in CA3 & CA4 are 36' within 200' of the ordinary high water level; 48' within 500' of the ordinary high water level; and 36' within 100' landward of a bluffline.

Process & Timeline for adoption of the draft updated Critical Area Regulations:

- To be reviewed by the Saint Paul Planning Commission, likely in May 2007; after this, the City Council must approve.
- After the regulations are approved by the City, Metropolitan Council will then comment on the City-approved regulations
- Following the Met. Council's comment, the MN Department of Natural Resources must review the regulations and provide for the final approval. Prior to this approval, the DNR has the power to suggest changes and send the revised regulations back to the City for approval.
- *A caveat on the draft critical overlay regulations, with respect to the Ford site:*
City staff has differed from the Critical Area task force – the staff may recommend to the City's Planning Commission that the Ford site be "held exempt" from Critical Area zoning restrictions until the Ford Site Planning task force is able to make its recommendations on zoning, land uses, etc. Alternatively, the City staff may recommend that an interim set of critical area regulations apply to the Ford site.